

NORTH AMERICAN WETLANDS CONSERVATION
REAUTHORIZATION ACT

APRIL 29, 2002.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3908]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3908) to reauthorize the North American Wetlands Conservation Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “North American Wetlands Conservation Reauthorization Act”.

SEC. 2. AMENDMENT OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the North American Wetlands Conservation Act (16 U.S.C. 4401 et. seq.).

SEC. 3. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDING.—Section 2(a)(1) (16 U.S.C. 4401(a)(1)) is amended by striking “and other habitats” and inserting “and associated habitats”.

(b) PURPOSES.—Section 2(b) (16 U.S.C. 4401(b)) is amended—

(1) in paragraph (1) by striking “and other habitats for migratory birds” and inserting “and associated habitats for wetland dependent migratory birds”;

(2) in paragraph (2) by inserting “wetland dependent” before “migratory bird”;

and

(3) in paragraph (3)—

(A) by inserting “wetland dependent” before “migratory birds”; and

(B) by inserting “, the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans,” after “North American Waterfowl Management Plan”.

SEC. 4. DEFINITION OF WETLANDS CONSERVATION PROJECT.

Section 3(9) (16 U.S.C. 4402(9)) is amended—

- (1) in subparagraph (A) by inserting “of a wetland ecosystem and associated habitat” after “including water rights,”; and
- (2) in subparagraph (B) by striking “and other habitat” and inserting “and associated habitat”.

SEC. 5. REAUTHORIZATION.

Section 7(c) (16 U.S.C. 4406(c)) is amended by striking “not to exceed” and all that follows and inserting “not to exceed—

- “(1) \$55,000,000 for fiscal year 2003;
- “(2) \$60,000,000 for fiscal year 2004;
- “(3) \$65,000,000 for fiscal year 2005;
- “(4) \$70,000,000 for fiscal year 2006; and
- “(5) \$75,000,000 for fiscal year 2007.”.

SEC. 6. ALLOCATION.

Section 8(a) (16 U.S.C. 4407(a)) is amended—

- (1) in paragraph (1)—
 - (A) by striking “(but at least 50 per centum and not more than 70 per centum thereof)” and inserting “(but at least 25 percent and not more than 50 percent thereof)”; and
 - (B) by striking “4 per centum” and inserting “4 percent”; and
- (2) in paragraph (2) by striking “(but at least 30 per centum and not more than 50 per centum thereof)” and inserting “(but at least 50 percent and not more than 75 percent thereof)”.

SEC. 7. CLARIFICATION OF NON-FEDERAL SHARE OF THE COST OF APPROVED WETLANDS CONSERVATION PROJECTS.

Section 8(b) (16 U.S.C. 4407(b)) is amended by striking so much as precedes the second sentence and inserting the following:

“(b) COST SHARING.—(1) Except as provided in paragraph (2), as a condition of providing assistance under this Act for any approved wetlands conservation project, the Secretary shall require that the portion of the costs of the project paid with amounts provided by non-Federal United States sources is equal to at least the amount allocated under subsection (a) that is used for the project.

“(2) Federal moneys allocated under subsection (a) may be used to pay 100 percent of the costs of such projects located on Federal lands and waters, including the acquisition of inholdings within such lands and waters.

“(3)”.

SEC. 8. TECHNICAL CORRECTIONS.

(a) The North American Wetlands Conservation Act is amended as follows:

- (1) In section 2(a)(10) (16 U.S.C. 4401(a)(10)), by inserting “of 1973” after “Species Act”.
 - (2) In section 3(2) (16 U.S.C. 4402(2)), by striking “Committee on Merchant Marine and Fisheries of the United States House of Representatives” and inserting “Committee on Resources of the House of Representatives”.
 - (3) In section 3(5) (16 U.S.C. 4402(5)), by inserting “of 1973” after “Species Act”.
 - (4) In section 4(a)(1)(B) (16 U.S.C. 4403(a)(1)(B)), by striking “section 3(2)(B)” and inserting “section 3(g)(2)(B)”.
 - (5) In section 4(c) (16 U.S.C. 4403(c)), in the matter preceding paragraph (1), by striking “Commission” and inserting “Council”.
 - (6) In section 5(a)(5) (16 U.S.C. 4404(a)(5)), by inserting “of 1973” after “Species Act”.
 - (7) In section 5(f) (16 U.S.C. 4404(f)), by striking “subsection (d)” and inserting “subsection (e)”.
 - (8) In section 10(1)(C) (16 U.S.C. 4409(1)(C)), by striking “western hemisphere pursuant to section 17 of this Act” and inserting “Western Hemisphere pursuant to section 16”.
 - (9) In section 10(1)(D) (16 U.S.C. 4409(1)(D)), by striking the period and inserting “; and”.
 - (10) In section 16(a) (16 U.S.C. 4413), by striking “western hemisphere” and inserting “Western Hemisphere”.
- (b)(1) Section 112(1) of Public Law 101–593 (104 Stat. 2962) is amended by striking “and before the period”.
- (2) Paragraph (1) of this subsection shall be effective on and after the effective date of section 112(1) of Public Law 101–593 (104 Stat. 2962).

PURPOSE OF THE BILL

The purpose of H.R. 3908 is to reauthorize and amend the North American Wetlands Conservation Act.

BACKGROUND AND NEED FOR LEGISLATION

Wetlands are among the world's most biologically productive environments. They provide critical habitat for numerous species of fish and wildlife, and are particularly important to the life cycles of migratory birds and the majority of economically important fish species. Wetlands serve as natural flood control basins and water filters, and their removal or degradation has severe negative effects on water quality. Beginning in the 1930s, alarming declines in migratory bird populations created a realization that wetland conservation needed to be improved, and within the last 30 years many federal, State, and private programs have been created to reduce wetland loss. Recognizing the importance of wetland and migratory bird conservation to Americans and that a collaborative international approach to habitat conservation was required, Congress enacted the North American Wetlands Conservation Act (NAWCA) in 1989.

NAWCA provides a funding mechanism for cooperative public-private wetland conservation efforts throughout North America which support the goals of the North American Waterfowl Management Plan. Funding for NAWCA projects is drawn from four sources: interest from short-term investment of the Federal Aid in Wildlife Restoration Fund under the Pittman-Robertson Act; fines and forfeitures imposed for violations of the Migratory Bird Treaty Act; a portion of the Sport Fish Restoration Fund; and discretionary appropriations. Under current law, NAWCA specifies that 50 to 70 percent of the funds available from Pittman-Robertson interest, fines and forfeitures, and appropriations be spent on projects within Canada and Mexico. The remaining 30 to 50 percent must be spent on projects in the United States. H.R. 3908 changes this allocation so that U.S. projects will receive 50–75 percent of the internationally-shared funds. In addition to the amount available from the sources listed above, contributions from the Sport Fish Restoration Fund, which are authorized under the Coastal Wetlands Planning, Protection, and Restoration Act, must be spent on projects that conserve coastal wetlands within a coastal State.

In Fiscal Years 2000 and 2001, \$114.8 million was available for projects from these sources. During this time frame, 237 projects were funded with \$404.7 million in partner support. At the same time an additional 135 projects with \$91.4 million in available partner support went unutilized because of the lack of NAWCA funding.

Since the first wetlands grants were awarded in 1991, 881 projects have been funded at a federal cost of approximately \$460 million matched by over \$1.3 billion in partner contributions. This has resulted in the protection, restoration, or enhancement of approximately 8.3 million acres of wetlands and associated habitat in the U.S. and Canada. In Mexico, over 444,000 acres have benefited.

COMMITTEE ACTION

H.R. 3908 was introduced on March 7, 2002, by Congressman James Hansen (R-UT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On April 11, 2002, the Subcommittee held a hearing on the bill. On April 17, 2002 the Subcommittee met to mark up the bill. At the Subcommittee markup, Congressman Wayne T. Gilchrest (R-MD) offered an amendment in the nature of a substitute that added language to ensure a focus on wetlands and wetland-associated habitats, increased the authorization of appropriations of the program, changed the allocation of NAWCA authorized funds to Canada and Mexico from 50–70 percent of the total to 25–50 percent of the total, and made a series of technical corrections. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee by voice vote. On April 24, 2002, the Full Resources Committee met to consider the bill. No additional amendments were offered and the bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. States that this Act may be cited as the “North American Wetlands Conservation Reauthorization Act”.

Section 2. Amendment of the North American Wetlands Conservation Act. States that the text amends the North American Wetlands Conservation Act (16 U.S.C. 4404 et seq.).

Section 3. Findings and Statement of Purpose. Changes the term “wetlands and other habitats” to “wetlands and associated habitats”, and the term “migratory birds” to “wetland dependent migratory birds” where those terms appear in Section 2, Findings and the Statement of Purpose, of NAWCA. These changes ensure that funds from NAWCA are used to protect, enhance, and restore wetland habitats; however, it is expected that associated habitat types will be present in approved wetland projects. Congress supports the application of NAWCA funds, especially for permanent protection, of large contiguous tracts of multiple habitat types because protection of surrounding lands directly benefits the physical and biological health of wetland ecosystems. However, the primary focus and emphasis of NAWCA and its wetland conservation projects is wetlands and wetland-dependent migratory birds.

Section 4. Definition of Wetlands Conservation Project. Makes changes to the definition of the term “wetlands conservation project” in Section 3 of NAWCA to clarify that any property acquired for such a project must be wetland and associated habitat, and that any restoration, management and enhancement activities that are part of such projects must occur in wetland ecosystems and associated habitat. Again, this change is not intended to exclude other habitat types present within a project; however, the wetland ecosystems are intended as the primary emphasis.

Section 5. Reauthorization. Authorizes appropriations for Fiscal Years (FY) 2003–2007. Authorized amounts begin at \$55 million in FY 2003 and increase \$5 million per year to \$75 million in FY 2007.

Section 6. Allocation. Changes the allocation of funds to Canada and Mexico under Section 6(b) of NAWCA from 50–70 percent of the available funds to 25–50 percent. The Committee recognizes the importance of Canadian wetland habitats to the continent's waterfowl resources. By changing the international allocation within NAWCA, the Committee does not intend that the U.S. abandon or reduce its commitment to the protection of internationally shared resources. Therefore, in any fiscal year in which funds available for grants under section 7 exceed amounts available in Fiscal Year 2002, the Committee expects the Wetlands Conservation Council to provide no less a level of assistance than was provided in Fiscal Year 2002 to accomplish waterfowl habitat conservation work outside the United States.

Section 7. Clarification of Non-federal Share of the Cost of Approved Wetlands Conservation Projects. Amends Section 8(a) of NAWCA to clarify that the non-federal share of funds applied toward approved wetland conservation projects will be derived from United States sources and at minimum equal the federal contribution available from the sources listed in Section 7 of NAWCA. If the projects are conducted on federal lands, no match is required. No non-federal match is required for any federal funds other than those listed in Section 7 of H.R. 3908.

Section 8. Technical Corrections. Makes technical corrections to NAWCA.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to reauthorize the North American Wetlands Conservation Act, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 25, 2002.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3908, the North American Wetlands Conservation Reauthorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3908—North American Wetlands Conservation Reauthorization Act

Summary: H.R. 3908 would reauthorize funding for projects carried out under the North American Wetlands Conservation Act (NAWCA) through fiscal year 2007. Current law authorizes appropriations of \$50 million per year for NAWCA and expires after 2003. The bill would authorize the appropriation of \$325 million over the 2003–2007 period (including \$50 million authorized to be appropriated under current law). The U.S. Fish and Wildlife Service (USFWS) uses funding authorized by NAWCA for a wide variety of activities to benefit wetlands in North America, including matching grants, cooperative projects, and land acquisition.

Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 3908 would result in additional discretionary spending of \$155 million over the 2003–2007 period. An additional \$120 million would be spent after 2007. The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3908 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3908 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
NAWCA Spending Under Current Law:						
Authorization Level ¹	44	50	0	0	0	0
Estimated Outlays	29	34	28	21	14	3

	By fiscal year, in millions of dollars—					
	2002	2003	2004	2005	2006	2007
Proposed Changes:						
Authorization Level	0	5	60	65	70	75
Estimated Outlays	0	1	16	32	47	59
NAWCA Spending Under H.R. 3908:						
Estimated Authorization Level	44	55	60	65	70	75
Estimated Outlays	29	35	44	53	61	62

¹ The 2002 level is the amount appropriated for that year for the North American wetlands conservation fund. The 2003 level is the amount authorized under current law.

Basis of estimate: For this estimate, CBO assumes that the amounts authorized by the bill would be appropriated for each fiscal year. The authorization levels are as stated in section 5 of the bill, including an increase of \$5 million above the existing authorization level for fiscal year 2003. Other provisions of the bill, which amend the allocation and cost-sharing provisions of NAWCA, would not have any significant effect on spending for wetlands conservation. Outlay estimates are based on recent spending patterns for this program.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 3908 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. State and local governments that receive funds authorized by this bill would benefit from provisions that would increase the authorized amounts and allocate a higher proportion of the funds to domestic projects.

Estimate prepared by: Federal costs; Deborah Reis; Impact on State, local and tribal governments: Marjorie Miller; Impact on the private sector: Lauren Marks.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NORTH AMERICAN WETLANDS CONSERVATION ACT

* * * * *

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the maintenance of healthy populations of migratory birds in North America is dependent on the protection, restoration, and management of wetland ecosystems [and other habi-

tats] *and associated habitats* in Canada, as well as in the United States and Mexico;

* * * * *

(10) the 1988 amendments to the Fish and Wildlife Conservation Act of 1980 require the Secretary of the Interior to identify conservation measures to assure that nongame migratory bird species do not reach the point at which measures of the Endangered Species Act of 1973 are necessary;

* * * * *

(b) PURPOSE.—The purposes of this Act are to encourage partnership among public agencies and other interests—

(1) to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems [and other habitats for migratory birds] *and associated habitats for wetland dependent migratory birds* and other fish and wildlife in North America;

(2) to maintain current or improved distributions of *wetland dependent* migratory bird populations; and

(3) to sustain an abundance of waterfowl and other *wetland dependent* migratory birds consistent with the goals of the North American Waterfowl Management Plan, *the United States Shorebird Conservation Plan, the North American Waterbird Conservation Plan, the Partners In Flight Conservation Plans*, and the international obligations contained in the migratory bird treaties and conventions and other agreements with Canada, Mexico, and other countries.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) * * *

(2) The term “appropriate Committees” means the Committee on Environment and Public Works of the United States Senate and the [Committee on Merchant Marine and Fisheries of the United States House of Representatives] *Committee on Resources of the House of Representatives*.

* * * * *

(5) The term “migratory birds” means all wild birds native to North America that are in an unconfined state and that are protected under the Migratory Bird Treaty Act, including ducks, geese, and swans of the family Anatidae, species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and species defined as nongame under the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901–2912).

* * * * *

(9) The term “wetlands conservation project” means—

(A) the obtaining of a real property interest in lands or waters, including water rights, *of a wetland ecosystem and associated habitat* if the obtaining of such interest is subject to terms and conditions that will ensure that the real property will be administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon;

(B) the restoration, management, or enhancement of wetland ecosystems **and other habitat** *and associated habitat* for migratory birds and other fish and wildlife species if such restoration, management, or enhancement is conducted on lands and waters that are administered for the long-term conservation of such lands and waters and the migratory birds and other fish and wildlife dependent thereon; and

* * * * *

SEC. 4. ESTABLISHMENT OF NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) COUNCIL MEMBERSHIP.—(1) There shall be established a North American Wetlands Conservation Council (hereinafter in this Act referred to as the “Council”) which shall consist of nine members who may not receive compensation as members of the Council. Of the Council members—

(A) * * *

(B) one shall be the Secretary of the Board of the National Fish and Wildlife Foundation appointed pursuant to section **3(2)(B)** *3(g)(2)(B)* of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702);

* * * * *

(c) EX OFFICIO COUNCIL MEMBERS.—The Secretary is authorized and encouraged to include as ex officio nonvoting members of the **Commission** *Council* representatives of—

(1) * * *

* * * * *

SEC. 5. APPROVAL OF WETLANDS CONSERVATION PROJECTS.

(a) CONSIDERATION BY THE COUNCIL.—The Council shall recommend wetlands conservation projects to the Migratory Bird Conservation Commission based on consideration of—

(1) * * *

* * * * *

(5) the extent to which any wetlands conservation project would aid the conservation of migratory nongame birds, other fish and wildlife and species that are listed, or are candidates to be listed, as threatened and endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

* * * * *

(f) NOTIFICATION OF APPROPRIATE COMMITTEES.—The Migratory Bird Conservation Commission shall submit annually to the appropriate Committees a report including a list and description of the wetlands conservation projects approved by the Migratory Bird Conservation Commission for Federal funding under subsection **[(d)] (e)** of this section in order of priority; the amounts and sources of Federal and non-Federal funding for such projects; a justification for the approval of such projects and the order of priority for funding such projects; a list and description of the wetlands conservation projects which the Council recommended, in order of priority that the Migratory Bird Conservation Commission approve for Federal funding; and a justification for any rejection or re-ordering of the priority of wetlands conservation projects rec-

ommended by the Council that was based on factors other than the criteria of section 5(a) of this Act.

* * * * *

SEC. 7. AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) * * *

* * * * *

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available under subsections (a) and (b) of this section, there are authorized to be appropriated to the Department of the Interior for purposes of allocation under section 8 of this Act [not to exceed \$50,000,000 for each of fiscal years 1999 through 2003.] *not to exceed—*

- (1) \$55,000,000 for fiscal year 2003;
- (2) \$60,000,000 for fiscal year 2004;
- (3) \$65,000,000 for fiscal year 2005;
- (4) \$70,000,000 for fiscal year 2006; and
- (5) \$75,000,000 for fiscal year 2007.

* * * * *

SEC. 8. ALLOCATION OF AMOUNTS AVAILABLE TO CARRY OUT THIS ACT.

(a) ALLOCATIONS.—Of the sums available to the Secretary for any fiscal year under this Act and section 3(b) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b(b)), as amended by this Act—

(1) such percentage of that sum [(but at least 50 per centum and not more than 70 per centum thereof)] *(but at least 25 percent and not more than 50 percent thereof)* as is considered appropriate by the Secretary, which can be matched with non-Federal moneys in accordance with the requirements of subsection (b) of this section, less such amount (but not more than 4 [per centum] *percent* of such percentage) considered necessary by the Secretary to defray the costs of administering this Act during such fiscal year, shall be allocated by the Secretary to carry out approved wetlands conservation projects in Canada and Mexico in accordance with section 6(b) of this Act; and

(2) the remainder of such sum after paragraph (1) is applied [(but at least 30 per centum and not more than 50 per centum thereof)] *(but at least 50 percent and not more than 75 percent thereof)*, which can be matched with non-Federal moneys in accordance with the requirements of subsection (b) of this section, shall be allocated by the Secretary to carry out approved wetlands conservation projects in the United States in accordance with section 6(a) of this Act.

[(b) FEDERAL CONTRIBUTION FOR PROJECTS.—The Federal moneys allocated under subsection (a) of this section for any fiscal year to carry out approved wetlands conservation projects shall be used for the payment of not to exceed 50 per centum of the total United States contribution to the costs of such projects, or may be used for payment of 100 per centum of the costs of such projects located on Federal lands and waters, including the acquisition of inholdings within such lands and waters.]

(b) *COST SHARING.*—(1) *Except as provided in paragraph (2), as a condition of providing assistance under this Act for any approved wetlands conservation project, the Secretary shall require that the portion of the costs of the project paid with amounts provided by non-Federal United States sources is equal to at least the amount allocated under subsection (a) that is used for the project.*

(2) *Federal moneys allocated under subsection (a) may be used to pay 100 percent of the costs of such projects located on Federal lands and waters, including the acquisition of inholdings within such lands and waters.*

(3) The non-Federal share of the United States contribution to the costs of such projects may not be derived from Federal grant programs. In the case of a project carried out in Mexico, the non-Federal share of the United States contribution to the costs of the project may include cash contributions from non-United States sources that are used to pay costs of the project.

* * * * *

SEC. 10. REPORT TO CONGRESS.

The Secretary shall report to the appropriate Committees on the implementation of this Act. The report shall include—

(1) a biennial assessment of—

(A) * * *

* * * * *

(C) the status of efforts to establish agreements with nations in the [western hemisphere pursuant to section 17 of this Act] *Western Hemisphere pursuant to section 16*; and

(D) wetlands conservation projects funded under this Act, listed and identified by type, conservation mechanism (such as acquisition, easement, or lease), location, and duration[.]; and

* * * * *

SEC. 16. OTHER AGREEMENTS.

(a) The Secretary shall undertake with the appropriate officials of nations in the [western hemisphere] *Western Hemisphere* to establish agreements, modeled after the Plan or the Agreement, for the protection of migratory birds identified in section 13(a)(5) of the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2912(a)). When any such agreements are reached, the Secretary shall make recommendations to the appropriate Committees on legislation necessary to implement the agreements.

* * * * *

SECTION 112 OF THE ACT OF NOVEMBER 16, 1990

(Public Law 101–593)

AN ACT To direct the Secretary of the Interior to convey all interest of the United States in a fish hatchery to the State of South Carolina, and for other purposes.

SEC. 112. NORTH AMERICAN WETLANDS CONSERVATION ACT AMENDMENTS.

The North American Wetlands Conservation Act (Public Law 101–233) is amended—

(1) in section 4(a)(1)(A) by inserting after “Service” [and before the period] “, who shall be the responsible Federal official for ensuring Council compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)”;

* * * * *

